

FAMILY LAW

The following are general guidelines about relationship separation. Specific advice should be obtained from a lawyer before acting on any of this information.

- **DO** consider a written agreement before starting a domestic relationship when you have assets or income, including superannuation. If you want to keep your assets separate if the relationship ends, consider operating separate accounts and make sure your partner does not contribute financially to your assets. If your partner lives in your property, consider incorporating a rental agreement as part of your agreement
- **DON'T** sign everything your partner puts before you without reading and understanding it. Take the opportunity to obtain independent legal advice about any document before signing it.
- **DO** make sure you have access to cash for emergencies
- **DON'T** try to negotiate a settlement with a partner who refuses to give information or answer questions about their finances.
- **DO** make sure property you buy together is registered in joint names where possible.
- **DON'T** rush into an agreement or sign anything after a separation if you are emotionally distressed or not thinking clearly – ask for time to consider the proposals and get competent legal advice. Consider receiving counseling if you find coping with the separation difficult.
- **DO** get competent legal advice before you sign anything or agree to anything
- **DON'T** accept advice from well meaning friends and relatives - generally rely on the advice of a trusted advisor lawyer, financial advisor, accountant, or counsellor.
- **DO** make sure that you receive competent financial advice from a financial advisor or accountant so that any settlement you reach is the most effective for you
- **DO** consider mediation or counseling services which can help you sort out your arrangements after separation. Unless there is domestic violence or a power imbalance between you, mediation is a cost effective method of resolving many disputes. Do seek legal advice before attending mediation to help you understand your legal rights and responsibilities and to help you to negotiate an agreement.

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- **DO** make sure any agreement you reach after separation about financial settlement, parenting arrangements or payment of child support is done in a way that will reduce the chances of either of you making a claim for a different outcome in the future.
- **DO** make sure that you have a legal Will, and, in the event of separation, make sure your Will is reviewed
- **DO** make sure that you have a current Will if you want your partner to benefit from your assets on your death.
- **DO** contact your superannuation fund to check who is nominated as your beneficiary

At R & G Lawyers we can help you understand your legal rights and responsibilities and we can help you to negotiate an agreement.

For further information, please contact Kate Greenwood or Joanne Dexter at Lilydale on 9739 7377 or Frank Lamari at Carlton on 9344 1700.

DISCLAIMER: The above information is general in nature and believed to be correct at the time of writing. All matters should be discussed fully with your solicitor before any action is taken. No responsibility will be accepted by this firm for any loss or damage suffered by anyone as a result of the information contained above.

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